

## **REMARKS/ARGUMENTS**

Claims 1, 2 and 5-46 stand rejected. Claims 5, 6, 8, 9, 19, 25-28, 32, 33 and 40-41 are amended herein; claims 30-31 and 35-37 are canceled herein without prejudice; and claims 47-51 are added herein. Hence, claims 1, 2, 5-29, 32-34 and 38-51 remain pending.

### **Response to Objections**

The Office Action objects to paragraphs 1, 8 and 42 of the specification. The identified corrections have been made by amendment herein, and Applicant respectfully requests that the objections to the specification be withdrawn.

The Office Action objects to claim 31. Claim 31 is canceled herein without prejudice, and Applicant respectfully requests that the objections to the specification be withdrawn.

### **General Response to the Rejections**

At the outset it should be noted that there is substantial ambiguity in the present Office Action as it purports to reject all pending claims, but fails to provide a basis for rejecting many of the claims. In particular, the face of the Office Action sets forth that claims 1-2 and 5-46 are rejected, and yet only claims 1, 2, 5, 6, 19, 25 and 46 are considered in the rejection. It is long settled that “[i]f the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” MPEP at 2142. To establish such a *prima facie* case, at a minimum the Office Action must set forth a prior art basis for rejecting each limitation of each claim. See e.g., Id. An unstated conclusion that because a *prima facie* case has been alleged as to some of the claims it has been established to all claims is plainly insufficient as it robs the Applicant of its right to have each claim considered and to respond to the purported *prima facie* case. Thus, the Office Action is incomplete and Applicant respectfully requests withdrawal of the present Office Action and re-issuance of a complete Office Action.

To move prosecution forward, Applicant responds to the partial set of rejections and respectfully requests that its response be considered in reconsidering and re-issuing the present Office Action.

#### The Rejections under 35 USC §112

The Office Action rejects claims 5, 6, 19 and 25 under 35 USC §112 as being indefinite. Applicant herein amends the aforementioned claims to cure the identified ambiguities. The amendments are not narrowing in scope, but rather operate to cure the ambiguity only. Hence, Applicant respectfully requests that the rejections under 25 USC §112 be withdrawn.

#### The Rejections Under 35 USC §§102 and 103

The Office Action maintains the rejections of claims 1-2, 5-6 and 46 issued in the previous rejection dated 4/20/06. In that Office Action, the aforementioned claims 1-2, 5-6 and 46 were rejected under 35 USC 102(a) as being anticipated by Noble (U.S. Patent No. 6,356,634). Applicant respectfully amends in part and traverses in part to address the rejection.

Even in maintaining the prior rejection, the Office Action alternatively rejects claims 1-2, 5-6 and 46 under 35 USC 103(a) as being unpatentable over Noble in light of “Opportunities in Telemarketing Careers”, Annde Basye (Telemarketing). Applicant respectfully traverses the rejection. Further, claim 7 is being rejected as being unpatentable over Noble in view of “The Communication Technology Lab’s website”. Applicant respectfully traverses the rejection.

Claim 1 as presently constituted sets forth a method for interacting with one or more recipients that includes, *inter alia*, selecting an approach that includes a script. The script includes at least a first presentation and a second presentation. Each of the first presentation and the second presentation include the group of responses rendered in a desired form particular for the given presentation (e.g., a particular voice, language, tone or the like). See e.g., Specification at Fig. 1B, ¶¶ 88-89 and 91. This language is also added to claims 8 and 25 by amendment herein. In the method of claim 1, the first presentation is selected, and at least a portion of a communication provided to the

recipient includes the first presentation provided in an order indicated by the script via the conversation control system. The script includes a group of responses selectable during a conversation with a recipient.

Such a method allows, for example, the playing of a script in one or more different languages or in a softer or more aggressive voice. As one particular example, a human operator that has a difficult accent may be used to interpret the requests of a customer and the conversation control system can be used to communicate with the customer using pre-recorded scripts that do not exhibit the difficult accent of the human operator by selection of the recipient appropriate presentation. See e.g., Specification at Fig. 1B, ¶ 97.

Noble, cited to the Patent Office in Applicant's IDS of May 2002, plainly fails to disclose, teach or suggest the method set forth in Applicant's claim 1. The Office Action tacitly admits this by noting that "Noble teaches all of the steps claimed with the possible exception of a plurality of approaches, presentations, and scripts." Office Action at p. 3. Instead of abandoning the flawed rejection, however, the Office Action sets up a straw man position and knocks it down. Office Action at p. 4 citing Noble at col. 5, ll. 25-30 and col. 6, ll. 5-20.

The straw man position essentially states that the selection of a "presentation" in claim 1 is the same as selecting one response from a script as taught by Noble. This position, however, is inconsistent with any reasonable interpretation of the language of the claim and is inconsistent with the specification. Again, a script consists of a group of responses, and a presentation is the group of responses rendered in a particular voice, language, tone or the like. See e.g., Specification at Fig. 1B, paragraphs 88-89 and 91. In stark contrast to claim 1, Noble teaches a script with a **single** presentation (a script rendered in the representative's own voice) that includes a number of responses (each rendered in the representative's own voice). The fact that the single presentation of Noble includes multiple responses does not qualify it as being two or more presentations. To consider the responses of Noble the same as the presentations of claim 1 would be to suggest that Noble anticipated the situation where one response of the script to the recipient (e.g., "I am fine") may be presented in Spanish, and the next response (e.g., "and how are you today?") may be presented to the same recipient in Mandarin Chinese.

This is, of course, absurd. Such absurdity is not disclosed, taught or suggested by Noble. Hence, for at least the aforementioned reasons, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 USC §102 based on Noble.

Indeed, not only does Noble fail to disclose, teach or suggest Applicant's claim 1, it actually teaches away from the use of multiple presentations for a common script. In particular, Noble discloses a system that enables a representative "to **transparently** deliver **his/her** own pre-recorded voice file to a party . . ." Noble at col. 2, ll. 24-27 (emphasis added). By using "the voice portion of the approved pre-recorded . . . actual voice of the [representative] who is conducting the current telephone contact", the representative may stop using "the pre-recorded voice portion and communicate directly with the [recipient]." Id. at col. 5, ll. 16-17 and 30-32. Alternatively, the representative may speak when the initial contact is made and then switch to the pre-recorded portions "after [they] have made voice contact with the [recipient]." Id. at col. 5, ll. 36-39. Thus, Noble explicitly requires that ***the pre-recorded voice is limited to a single presentation comprising the voice of the representative overseeing the contact*** so that when the representative inevitably responds with their actual voice it is ***transparent*** to the recipient. One of the fundamental purposes of Noble is to maintain the aforementioned transparency. This transparency is contrary to allowing an operator to select between a number of different presentations for a given script. This is especially true where the different presentations may be in different languages, different accents, a different sex or even in American Sign Language.

It is well settled that a proposed combination of art is not proper where the combination would render the cited art unsatisfactory for its intended purpose. MPEP at 2143.01. In this case, as set forth above, allowing multiple presentations in Noble would render Noble unsatisfactory for its explicit purpose of maintaining transparency. Hence, Noble may not be properly used in any combination where a script may comprise a plurality of selectable presentations. For at least this reason, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 USC §103 based on Noble.

Similar to Noble, Telemarketing fails to disclose, teach or suggest the use of multiple selectable presentations associated with a common script. Rather, Telemarketing merely teaches more of the same as that established in Noble. In

particular, Telemarketing discloses a system whereby a representative reads from a script using a single presentation -- their own voice. Telemarketing at p. 23. As with Noble, in some cases the representative's greeting is pre-recorded using the representative's own voice, after which the representative uses their own live voice to take over the conversation. Id. Again, as with Noble, Telemarketing teaches the state of the prior art including scripts with each of the scripts being implemented in a single presentation (i.e., that of the representative's voice). Thus, Telemarketing fails to cure the flaw in the rejection based on Noble alone. Hence, for at least this additional reason, Applicant respectfully requests withdrawal of the rejection based on the combination of Noble and Telemarketing.

For any one of the reasons set forth above, no *prima facie* case rejecting claim 1 has been established. Hence, Applicant respectfully requests the allowance of claim 1. Further, claims 2, 5-7 and 45-46 properly depend from allowable claim 1 and are thus also allowable for at least this reason.

Yet further, claim 5 provides for executing a script that is rendered in two languages, by selecting a presentation of the script rendered in a desired language. None of the cited art discloses, teaches or suggests such an approach. Indeed, as discussed above, both Noble and Telemarketing explicitly call for a presentation that must be done in the representative's own voice, and therefore own language. There is no way to provide the transparency required by Noble without using a single presentation in the voice and language of the representative. Hence, for at least this additional reason, the cited art fails to render Applicant's claim 5 obvious. Accordingly, Applicant respectfully requests allowance of claim 5 for this additional reason.

Yet further, claim 7 provides that one of the presentations is a graphical presentation of American Sign Language. Rather than indicating that this claim is allowable, the Office Action relies on Communication Technology Lab's website to form an unsupportable rejection. This website is neither enabling, nor is there any motivation or suggestion to combine the teaching of the website with any of the other cited art. Hence, for at least these additional reasons, the cited art fails to render Applicant's claim 7 obvious. Accordingly, Applicant respectfully requests allowance of claim 7.

Additionally, the system of Noble would be rendered unsatisfactory for its purpose where it was combined with Communication Technology Lab's website. In particular, the communication would not be transparent as the representative could not use their voice and would not be able to take over the conversation. Thus, for at least this additional reason, the cited art fails to render Applicant's claim 7 obvious, and Applicant again respectfully requests allowance of claim 7.

Claim 8 provides pseudo-conversation system for use between one or more users and one or more recipients. The pseudo-conversation system includes, *inter alia*, a computer readable medium that includes a script. The script includes a group of script items selectable during a conversation with a recipient. Further, the script includes a first presentation and a second presentation. The first presentation includes the group of script items rendered in a first form, and the second presentation includes the group of script items rendered in a second form. The computer readable medium further comprises instructions executable by the computer to receive a selection from a user indicating the first presentation of the script, and to access an audio output associated with the first presentation of the script. Such a system allows, for example, the playing of a script in one or more different languages or in a softer or more aggressive voice. As one particular example, a human operator that has a difficult accent may be used to interpret the requests of a customer and the conversation control system can be used to communicate with the customer using pre-recorded scripts that do not exhibit the difficult accent of the human operator by selection of the recipient appropriate presentation. See e.g., Specification at Fig. 1B, ¶ 97.

For at least the reasons set forth above in relation to claim 1, Noble either apart or in combination with Telemarketing and/or Communication Lab's Website fails to disclose, teach or suggest the system of claim 8. Hence, Applicant respectfully requests allowance of claim 8. Further, claims 9-24 properly depend from allowable claim 9, and for at least this reason, Applicant respectfully requests allowance thereof.

As amended, claim 25 provides a method for providing a consistent presentation to one or more recipients. The method includes, *inter alia*, presenting a first script and a second script to a user. The first script comprises a first group of script items selectable during a conversation with a recipient and the second script comprises a second group of

script items selectable during a conversation with the at least one of the one or more recipients. The first script is associated with a first presentation and a second presentation, and the second script is associated with a third presentation and a fourth presentation. The first presentation includes the first group of script items rendered in a first audio form, the second presentation includes the first group of script items rendered in a second audio form, the third presentation includes the second group of script items rendered in the first audio form, and the fourth presentation includes the second group of script items rendered in the second audio form. The method further includes receiving a selection of the first script and the first presentation of the first script from the user; presenting the first group of script items associated with the first script to the user; receiving a selection of a script item from the first group of script items; and presenting the selected script item to the recipient as an audio output in the first audio form.

For at least the reasons set forth above in relation to claim 1, Noble either apart or in combination with Telemarketing and/or Communication Lab's Website fails to disclose, teach or suggest the method of claim 25. Hence, Applicant respectfully requests allowance of claim 25. Further, claims 26-29, 32-34, 38-40 and 47-51 properly depend from allowable claim 25. Hence, Applicant respectfully requests withdrawal of the rejections to the aforementioned dependent claims and allowance thereof for at least this reason.

Claim 41 provides a method for responding to inquiries. The method includes, *inter alia*, receiving an inquiry from a recipient and presenting a first script and a second script to a user. Based on the inquiry from the recipient, a request for the first script including a group of script items is received. In addition, a selection of a script item from the group of script items is received, and the selected script item is presented to the recipient as an audio output in a selected form. Each of the group of script items is available in at least a first form and a second form. Noble does not disclose presenting two or more scripts to a user, and allowing the user to select between two or more forms of items within the scripts for presentation. Hence, Applicant respectfully requests withdrawal of the rejection and allowance of claim 41. Further, claims 42-44 properly depend from allowable claim 41. Hence, Applicant respectfully requests withdrawal of

the rejections to the aforementioned dependent claims and allowance thereof for at least this reason.

### **CONCLUSION**

In view of the foregoing, Applicant respectfully asserts that all claims now pending in the application are in condition for allowance. Hence, an early allowance of all such claims is earnestly requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees under 37 CFR 1.136, to the deposit account of the undersigned, Account No. 50-3897.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 720-266-4728.

Respectfully submitted,

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